

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Ridley-Thomas

February 26, 2015

An act to amend Sections 13405, 13410, 13413, 13420, 13421, 13440, 13440.5, 13442, 13450, 13470, 13470.5, 13471, 13472, 13477, 13480, 13481, 13482, 13485, 13486, 13500, 13501, 13502, 13530, 13531, 13532, 13535, 13550, 13570, 13590, 13591, 13592, 13595, 13600, 13700, 13710, 13711, and 13741 of, to amend the headings of Chapter 14 (commencing with Section 13400) of, Article 5 (commencing with Section 13440) of Chapter 14 of, Article 5.5 (commencing with Section 13446) of Chapter 14 of, Article 6 (commencing with Section 13450) of Chapter 14 of, Article 8 (commencing with Section 13470) of Chapter 14 of, and Article 13 (commencing with Section 13550) of Chapter 14 of, Division 5 of, to repeal Sections 13401, 13402, and 13403 of, and to repeal and add Sections 13400, 13404, and 13446 of, the Business and Professions Code, relating to automotive fuels and products.

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as introduced, Ridley-Thomas. Automotive fuels and products.

(1) Existing law regulates the sales of motor vehicle fuels and lubricants. Existing law requires the Department of Food and Agriculture to establish standards for motor vehicle fuels and other petroleum products that are offered for sale in the state and requires the department, through the Division of Measurement Standards to enforce regulations and standards for motor vehicle fuels and lubricants. A violation of this law and those regulations and standards is a crime.

This bill would revise and recast those provisions and would additionally subject the retail sale of electricity for the purposes of transferring electricity to, or storing onboard electricity, an electric vehicle primarily for the purpose of propulsion and other alternative fuels. The bill would authorize the department to establish interim specification for alternative fuels, as defined, until specified conditions are met. The bill would require the Secretary of Food and Agriculture to establish the method of sale of motor vehicle fuels and lubricants sold at retail to the public.

(2) Existing law makes it unlawful for a person to sell or distribute engine oil or axle and manual transmission lubricant unless the SAE/API service classification is conspicuously marked on each container. A violation of this requirement is a crime.

This bill would also require the product to conform to a specified classification or specification. The bill would require that, whenever the motor oil does not meet an active API service category, each sign or label bear a plainly visible cautionary statement in compliance with SAE J183 Appendix A.

(3) Existing law regulates the sale of automotive products, such as engine coolant and antifreeze. Existing law requires the department to establish specification for those products. Existing law deems an automatic transmission fluid as mislabeled under certain conditions. A violation of regulations governing the sale of automotive products is a crime.

This bill would revise and recast those provisions and would additionally deem an automatic transmission fluid to be mislabeled if the container and carton do not bear a lot or batch number on the label identifying the container lot or batch. The bill would require the secretary to establish the method of sale of diesel exhaust fluid sold at retail to the public. The bill would authorize the sealer to take samples reasonably necessary for enforcement purposes under certain conditions. The bill would require manufacturers or packagers of automotive products, upon request, to provide to a duly authorized representative of the department documentation of claims made on their products.

(4) This bill would make conforming and nonsubstantive changes.

(5) Because a violation of the above provisions is a crime, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 14 (commencing with Section 13400) of Division 5 of the Business and Professions Code is amended to read:

CHAPTER 14. ~~PETROLEUM AND HYDROGEN~~ FUELS AND
LUBRICANTS

SEC. 2. Section 13400 of the Business and Professions Code is repealed.

~~13400. "Advertising medium," as used in this chapter, includes banner, sign, placard, poster, streamer, and card.~~

SEC. 3. Section 13400 is added to the Business and Professions Code, to read:

13400. For purposes of this chapter, the following terms mean the following:

(a) "Advertising medium" includes banner, sign, placard, poster, streamer, and card.

(b) "Alternative fuels" means any of the following:

(1) "Biodiesel," which is a fuel comprised of monoalkyl esters of long chain fatty acids derived from plant or animal matter that meets the requirements of American Society for Testing and Materials (ASTM) International Standard Specification D6751 "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(2) "Biodiesel blend," which is a fuel consisting of biodiesel mixed with diesel fuel that meets the requirements of ASTM International Standard Specification D7467 "Standard Specification for Diesel Fuel Oil and Biodiesel Blend (B6 to B20)."

(3) "Dimethyl ether," which is an organic compound meant for combustion in compression-ignition engines that meets the requirements of dimethyl ether prescribed in this chapter.

(4) “Electricity,” which is electrical energy transferred to, or stored onboard, or both transferred to and stored onboard, an electric vehicle primarily for the purpose of propulsion.

(5) “Ethanol,” which is denatured motor fuel ethanol meeting the requirements of ASTM International Standard Specification D4806 “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(6) “Ethanol fuel blend,” which is a motor vehicle fuel consisting primarily of ethanol mixed with gasoline meeting the standards prescribed by this chapter.

(7) “Hydrogen,” which is a fuel consisting of molecular hydrogen intended for consumption in a surface vehicle or electricity production device with an internal combustion engine or fuel cell that meets the standards for hydrogen prescribed by this chapter.

(8) “Methanol fuel blend,” which is a motor vehicle fuel consisting primarily of methanol mixed with gasoline meeting the standards prescribed by this chapter.

(9) “Natural gas,” which is a gaseous mixture of hydrocarbon compounds consisting of primarily methane in the form of a compressed gas or a cryogenic liquid intended for use as a motor vehicle fuel.

(10) “Propane,” which is a liquefied petroleum gas intended for use as a motor vehicle fuel and meeting the standards prescribed by this chapter.

(11) Any other fuel intended for use as a motor vehicle fuel that the Secretary of Food and Agriculture determines is an alternative fuel.

(c) “Automotive spark-ignition engine fuel” means a product used for the generation of power in a spark-ignition internal combustion engine.

(d) “Compression-ignition engine fuel” means a product used for the generation of power in a compression-ignition internal combustion engine.

(e) “Developmental engine fuel” means an experimental automotive spark-ignition engine fuel or compression-ignition fuel that does not meet standards established by this chapter but has characteristics that may lead to an improved fuel standard or the development of an alternative fuel standard.

1 (f) “Diesel fuel” means a hydrocarbon oil meant for combustion
2 in compression-ignition engines offered for sale that meets the
3 standards for diesel fuel prescribed by this chapter.

4 (g) “Engine fuel” means any gasoline, diesel, or alternative fuel
5 used for the generation of power in an internal combustion engine
6 or fuel cell in a motor vehicle, or electrical power delivered
7 conductively or inductively to an electric motor in electric or
8 plug-in hybrid vehicles. “Motor fuel” means “engine fuel” when
9 that term is used in this chapter.

10 (h) “Fuel oil” means any lubricant offered for sale that meets
11 the standards for fuel oil prescribed by this chapter.

12 (i) “Gasoline” means a volatile mixture of liquid hydrocarbons,
13 generally containing small amounts of additives, suitable for use
14 as a fuel in a spark-ignition internal combustion engine.

15 (j) “Gasoline-oxygenate blend” means a fuel consisting primarily
16 of gasoline along with a substantial amount of one or more
17 oxygenates. For purposes of this subdivision, “substantial amount”
18 means more than 0.35 mass percent oxygen or, if methanol is the
19 only oxygenate, more than 0.15 mass percent oxygen.

20 (k) “Kerosene” means a fuel offered for sale that meets the
21 standards for kerosene prescribed in this chapter.

22 (l) “Lubricant” means a lubricating oil or other substance that
23 reduces friction and wear between moving parts within an engine
24 and other motor vehicle components.

25 (m) “Lubricating oil” means motor oil, engine lubricant, engine
26 oil, lubricating axle oil, gear oil, or manual transmission fluid.

27 (n) “Manufacturer” means manufacturer, refiner, producer, or
28 importer.

29 (o) “Motor oil” or “engine oil” means an oil that reduces friction
30 and wear between the moving parts within an internal combustion
31 engine and also serves as a coolant.

32 (p) “Motor vehicle fuel” means an engine fuel intended for
33 consumption in, including, but not limited to, an internal
34 combustion engine, fuel cell, or electric motor to produce power
35 to self-propel a vehicle designed for transporting persons or
36 property on a public street or highway.

37 (q) “Octane number” or “antiknock index number,” when used
38 in this chapter, means that number assigned to a spark ignition
39 engine fuel that designates the antiknock quality. The “octane
40 number” or “antiknock index number” shall be determined

1 according to the ASTM International method or methods
2 designated in the latest ASTM International Standard Specification
3 D-4814.

4 (r) “Oxygenate” means an oxygen-containing ashless organic
5 compound, such as an alcohol or ether, that can be used as a fuel
6 or fuel supplement.

7 (s) “Renewable diesel fuel” means a diesel fuel derived from
8 nonpetroleum renewable resources.

9 (t) “Sell” or any of its variants means attempt to sell, offer for
10 sale or assist in the sale of, permit to be sold or offered for sale or
11 delivery, offer for delivery, trade, barter, or expose for sale.

12 (u) “Standard test,” as used in this chapter, means test conducted
13 in accordance with the latest published standard adopted by ASTM
14 International.

15 SEC. 4. Section 13401 of the Business and Professions Code
16 is repealed.

17 ~~13401. (a) “Sell” or any of its variants means attempt to sell,~~
18 ~~offer for sale or assist in the sale of, permit to be sold or offered~~
19 ~~for sale or delivery, offer for delivery, trade, barter, or expose for~~
20 ~~sale.~~

21 ~~(b) “Manufacturer” means manufacturer, refiner, producer, or~~
22 ~~importer.~~

23 ~~(c) “Petroleum products” means gasoline, diesel fuel, liquefied~~
24 ~~petroleum gas only when used as a motor fuel, kerosene, thinner,~~
25 ~~solvent, liquefied natural gas, pressure appliance fuel, or white~~
26 ~~gasoline, or any motor fuel, or any oil represented as engine~~
27 ~~lubricant, engine oil, lubricating or motor oil, or any oil used to~~
28 ~~lubricate transmissions, gears, or axles.~~

29 ~~(d) “Barrel,” when applied to petroleum products, consists of~~
30 ~~42 gallons.~~

31 ~~(e) “Oil” means motor oil, engine lubricant, engine oil,~~
32 ~~lubricating oil, or oils used to lubricate transmissions, gears, or~~
33 ~~axles.~~

34 ~~(f) “Motor oil” means engine oil, engine lubricant, or lubricating~~
35 ~~oil.~~

36 ~~(g) “Gasoline” means a volatile mixture of liquid hydrocarbons,~~
37 ~~generally containing small amounts of additives, suitable for use~~
38 ~~as a fuel in spark-ignition internal combustion engines.~~

39 ~~(h) “Engine fuel” means any liquid or gaseous matter used for~~
40 ~~the generation of power in an internal combustion engine or fuel~~

1 cell. “Motor fuel” means “engine fuel” when that term is used in
2 this chapter.

3 (i) “Motor vehicle fuel” means any product intended for
4 consumption in an internal combustion engine or fuel cell to
5 produce the power to self-propel a vehicle designed for transporting
6 persons or property on a public street or highway.

7 (j) “Diesel fuel” means any petroleum product offered for sale
8 which meets the standards prescribed for diesel fuel by this chapter.

9 (k) “Kerosene” means any petroleum product offered for sale
10 which meets the standards prescribed for kerosene by this chapter.

11 (l) “Fuel oil” means any petroleum product offered for sale
12 which meets the standards prescribed for fuel oil by this chapter.

13 (m) “Automotive spark-ignition engine fuel” means any product
14 used for the generation of power in a spark-ignition internal
15 combustion engine.

16 (n) “Compression-ignition engine fuel” means any product used
17 for the generation of power in a compression-ignition internal
18 combustion engine.

19 (o) “Gasoline-oxygenate blend” means a fuel consisting
20 primarily of gasoline along with a substantial amount of one or
21 more oxygenates. For purposes of this section, “substantial amount”
22 means more than 0.35 mass percent oxygen or, if methanol is the
23 only oxygenate, more than 0.15 mass percent oxygen.

24 (p) “Oxygenate” means an oxygen-containing, ashless, organic
25 compound such as an alcohol or ether, which can be used as a fuel
26 or fuel supplement.

27 (q) “Developmental engine fuel” means any experimental
28 automotive spark-ignition engine fuel or compression-ignition fuel
29 which does not meet current standards established by this chapter
30 but has characteristics which may lead to an improved fuel standard
31 or the development of an alternative fuel standard.

32 (r) “Hydrogen” means a fuel composed of the chemical
33 hydrogen intended for consumption in an internal combustion
34 engine or fuel cell.

35 SEC. 5. Section 13402 of the Business and Professions Code
36 is repealed.

37 13402. “Standard test,” as used in this chapter, means test
38 conducted in accordance with the latest published standard adopted
39 by the American Society for Testing and Materials.

1 SEC. 6. Section 13403 of the Business and Professions Code
2 is repealed.

3 ~~13403. “Octane number” or “antiknock index number,” when~~
4 ~~used in this chapter, means that number assigned to a spark ignition~~
5 ~~engine fuel that designates the antiknock quality. The “octane~~
6 ~~number” or “antiknock index number” shall be determined~~
7 ~~according to the ASTM International method or methods~~
8 ~~designated in the latest ASTM International Standard Specification~~
9 ~~D-4814.~~

10 SEC. 7. Section 13404 of the Business and Professions Code
11 is repealed.

12 ~~13404. (a) The sale of compressed natural gas by persons who~~
13 ~~sell compressed natural gas at retail to the public for use only as~~
14 ~~a motor vehicle fuel, and who are exempted from public utility~~
15 ~~status by subdivision (f) of Section 216 of the Public Utilities Code,~~
16 ~~is a sale of a motor fuel for the purposes of this chapter.~~

17 ~~(b) Compressed natural gas sold at retail to the public for use~~
18 ~~as a motor vehicle fuel shall be sold in a gasoline gallon equivalent~~
19 ~~that shall be equal to 126.67 cubic feet, or 5.66 pounds, of~~
20 ~~compressed natural gas, measured at the standard pressure and~~
21 ~~temperature, described in Section 8615 of the Revenue and~~
22 ~~Taxation Code.~~

23 ~~(c) Liquefied natural gas sold at retail to the public for use as a~~
24 ~~motor vehicle fuel shall be sold in a diesel gallon equivalent that~~
25 ~~shall be equal to 6.06 pounds of liquefied natural gas.~~

26 SEC. 8. Section 13404 is added to the Business and Professions
27 Code, to read:

28 13404. The secretary shall establish the method of sale of motor
29 vehicle fuels and lubricants sold at retail to the public. In doing
30 so, the secretary shall adopt, by reference, the latest method of sale
31 for motor vehicle fuels and lubricants adopted by the National
32 Conference on Weights and Measures and published in the National
33 Institute of Standards and Technology Handbook 130 “Uniform
34 Laws and Regulations in the Areas of Legal Metrology and Engine
35 Fuel Quality,” except as specifically modified, amended, or rejected
36 by the secretary. In the absence of national standards, the secretary
37 may adopt interim standards of method of sale until the time when
38 the standards are adopted by the National Conference on Weights
39 and Measures.

1 SEC. 9. Section 13405 of the Business and Professions Code
2 is amended to read:

3 13405. (a) ~~The Department of Food and Agriculture~~
4 *department* may grant a variance from the specifications of this
5 chapter for developmental engine fuels if all of the following
6 conditions apply:

7 (1) Variances may only be granted to provide for the
8 development of information under controlled test conditions to
9 assist in the creation of chemical and performance standards for
10 engine fuels.

11 (2) Developmental engine fuel shall only be distributed or sold
12 to fleet-type centrally fueled vehicle and equipment users.

13 (3) The applicant shall warn all parties in writing of any potential
14 risk associated with the use of the developmental engine fuel.

15 (4) The applicant shall report information when and as the
16 department may prescribe in order for the department to monitor
17 the progress of the developmental engine fuel technology
18 evaluation.

19 (b) The applicant for a variance shall comply with all other
20 requirements, terms, and conditions ~~that are~~ contained in *this*
21 *division and* regulations adopted by the department to further the
22 purposes and administration of this section.

23 (c) (1) In granting a variance, the department expresses no
24 opinion as to whether an applicant's developmental engine fuel
25 will perform as represented by the applicant nor any opinion to
26 the extent, if at all, that the developmental engine fuel may be
27 safely and effectively used as a substitute for other spark-ignition
28 or compression-ignition engine fuels without incident.

29 (2) Damages caused by the sale, delivery, storage, handling,
30 and usage of the developmental engine fuel shall be addressed in
31 accordance with contractual provisions negotiated and agreed upon
32 by the applicant and the user.

33 (d) The department may withdraw a variance if the applicant
34 does not adhere to the conditions required to obtain the variance
35 or if the department recognizes a high probability of equipment
36 harm with the continued use of the developmental engine fuel or
37 to protect public safety.

38 SEC. 10. Section 13410 of the Business and Professions Code
39 is amended to read:

1 13410. (a) No person ~~who is~~ engaged in the business of
2 extracting oil or gas from lands within the state, or of ~~refining~~
3 ~~gasoline producing motor vehicle fuels~~ for sale within the state,
4 may refuse to sell to any city or county sufficient quantities of his
5 or her ~~petroleum products motor vehicle fuels or lubricants, or~~
6 ~~both, sold during the normal course of business~~ for the essential
7 services provided by ~~such~~ the city or county.

8 (b) The board of supervisors of a county or its designated county
9 agency, upon application for the purchase of ~~petroleum products~~
10 ~~motor vehicle fuels or lubricants, or both,~~ to perform essential
11 services by a city within that county, by any agency of such city
12 or county ~~which~~ that performs an essential service, or by any transit
13 district created pursuant to law, may arrange for ~~such~~ the purchase
14 and shall apportion the purchase among all persons specified in
15 subdivision (a) who engage in the sale of ~~petroleum products motor~~
16 ~~vehicle fuels or lubricants, or both,~~ within that county. The board
17 of supervisors or its designated county agency shall, to the extent
18 possible, apportion the total purchase of the ~~petroleum product~~
19 ~~motor vehicle fuels or lubricants, or both,~~ on the basis of ~~such~~ the
20 persons' sales of ~~such petroleum product that motor vehicle fuel~~
21 ~~or lubricant, or both,~~ in the county during the most recent 90-day
22 period for which information is available.

23 (c) For ~~the~~ purposes of this section, "essential services" means
24 police, fire, health, and transportation services provided by public
25 agencies.

26 SEC. 11. Section 13413 of the Business and Professions Code
27 is amended to read:

28 13413. (a) It is unlawful for any person or other legal entity
29 to make any deceptive, false, or misleading statement by any means
30 whatever regarding quality, quantity, performance, price, discount,
31 or saving used in the sale or selling of any commodity regulated
32 pursuant to this chapter.

33 ~~The~~

34 (b) ~~The~~ following misleading, unfair, or deceptive acts or
35 practices committed or permitted by any person offering for sale
36 any product ~~which~~ that is regulated by this chapter are also a
37 violation of this section:

38 (a)

39 (1) Misrepresenting the brand, grade, quality, or price of a
40 ~~petroleum product: motor vehicle fuel or lubricant.~~

(b)

(2) Using false or deceptive representations or designations in connection with the sale of ~~petroleum products~~ *motor vehicle fuels or lubricants*.

(c)

(3) Advertising ~~petroleum products~~ *motor vehicle fuels or lubricants* or services and not selling them as advertised.

(d)

(4) Advertising ~~petroleum products~~ *motor vehicle fuels or lubricants* of a designated brand, grade, trademark, or ~~trade name~~ *trade name* not actually sold or available for sale.

(e)

(5) Making false, deceptive, or misleading statements concerning conditions of sale or price reductions.

(f)

(6) Representing that the consumer will receive a rebate, discount, or other economic benefit and then failing to give that rebate, discount, or other economic benefit.

(g)

(7) Except as otherwise permitted, selling a grade of motor *vehicle* fuel at more than one price and advertising only the lower price without advertising each of the higher prices in equal size numerals on the same advertising medium.

(h)

(8) Placing letters, words, figures, or numerals on any advertising medium offering for sale any goods or merchandise, other than motor *vehicle* fuel, if the advertising medium may be construed by any reasonable person as advertising a price of motor *vehicle* fuel.

(i)

(9) Forging or falsifying any records or documents required by this chapter or knowingly keeping, using, or displaying the false or forged records or documents.

SEC. 12. Section 13420 of the Business and Professions Code is amended to read:

13420. Every person, firm, partnership, association, trustee, or corporation ~~which~~ *that* owns, leases, or rents and operates a ~~gasoline service station or other facility which~~ *that* offers gasoline ~~or other any~~ motor vehicle fuel for sale to the public from ~~such a~~ *the* facility abutting or adjacent to a street or highway shall

1 accurately update all signs, banners, or other advertising media
2 ~~which that~~ indicate hours of ~~such the~~ sale. Advertising media
3 indicating hours of sale shall be updated on a monthly basis.

4 SEC. 13. Section 13421 of the Business and Professions Code
5 is amended to read:

6 13421. Every person, firm, partnership, association, trustee,
7 or corporation ~~which that~~ owns, leases, or rents and operates a
8 ~~gasoline service station or other facility which that offers gasoline~~
9 ~~or other any~~ motor vehicle fuel for sale to the public from ~~such a~~
10 ~~the~~ facility abutting or adjacent to a street or highway shall turn
11 off all outdoor lighted advertising media at their place of business
12 when they are not open for business. This section shall only apply
13 to the ~~service station fueling facility~~ and not the retail business in
14 a situation where ~~gasoline service station or other the fueling~~
15 facility is a part of and adjacent to a retail business provided the
16 retail sale of gasoline or other motor vehicle fuel is not the primary
17 purpose of that business.

18 SEC. 14. The heading of Article 5 (commencing with Section
19 13440) of Chapter 14 of Division 5 of the Business and Professions
20 Code is amended to read:

21
22 Article 5. Standards for ~~Gasoline Spark-Ignition Fuels~~
23

24 SEC. 15. Section 13440 of the Business and Professions Code
25 is amended to read:

26 13440. (a) The department shall establish specifications for
27 automotive spark-ignition engine fuels. The department shall adopt
28 by reference the latest standards established by a recognized
29 consensus organization or standards writing organization such as
30 the ASTM International or the SAE International, for automotive
31 spark-ignition engine fuel, except that no specification shall be
32 less stringent than required by any California state law.

33 (b) Any gasoline-oxygenate blend containing methanol shall
34 also contain an alcohol cosolvent (butanol or higher molecular
35 weight alcohol) in an amount equal to or greater than the volume
36 percentage of methanol except those blends previously granted a
37 waiver by the *United States* Environmental Protection Agency.

38 ~~(c) Any gasoline-oxygenate blend containing ethanol that~~
39 ~~complies with Section 2258 of Title 13 of the California Code of~~
40 ~~Regulations, as it reads on the effective date of the act amending~~

1 this section during the 1993–94 Regular Session, or as amended,
2 may exceed the Reid vapor pressure limits of ASTM D 4814 for
3 the area and season in which the blend is sold at retail by not more
4 than 6.9 kilopascals (1.0 pounds per square inch), except the total
5 Reid vapor pressure shall not exceed 103 kilopascals (15 pounds
6 per square inch).

7 (d)

8 (c) The antiknock index as defined in Section 13403 13400 for
9 gasoline and gasoline-oxygenate blends shall not be less than 87.

10 (e)

11 (d) Gasoline and gasoline-oxygenate blends shall meet the latest
12 specifications set forth in ASTM D 4814, *International Standard*
13 *Specification D4814*, except that no specification shall be less
14 stringent than required by any California state law.

15 (f)

16 (e) Notwithstanding any other provision of this section, gasoline
17 sold for use in Inyo or Mono County, or the portion of Kern County
18 lying east of the Los Angeles County Aqueduct, shall comply with
19 the latest specification set forth in ASTM D 4814 *International*
20 *Standard Specification D4814* relating to volatility class standards
21 for the season during which the gasoline is sold for either the
22 interior region or the southeast region of California, except that
23 no specification shall be less stringent than is required by any
24 California state law.

25 (f) *Ethanol fuel blends shall meet the latest specifications set*
26 *forth in ASTM International Standard Specification D5798, except*
27 *that no specification shall be less stringent than required by any*
28 *California state law.*

29 (g) *Methanol fuel blends shall meet the latest specifications set*
30 *forth in ASTM International Standard Specification D5797, except*
31 *that no specification shall be less stringent than required by any*
32 *California state law.*

33 (h) *Liquefied petroleum gas shall meet the latest specifications*
34 *set forth in ASTM International Standard Specification D1835,*
35 *except that no specification shall be less stringent than required*
36 *by any California state law.*

37 (i) *Natural gas for use as a motor vehicle fuel shall meet the*
38 *latest specification set forth by the American Society for Testing*
39 *and Materials International or Society of Automotive Engineers*

1 *International, except that no specification shall be less stringent*
2 *than required by any California state law.*

3 SEC. 16. Section 13440.5 of the Business and Professions
4 Code is amended to read:

5 13440.5. For purposes of determining the percentage of a motor
6 ~~fuel (including gasoline) which consists of alcohol,~~ *ethanol in a*
7 *gasoline-oxygenate blend,* the volume of ~~alcohol~~ *ethanol* includes
8 the volume of any denaturant (including gasoline) ~~which that~~ is
9 added to the extent that these denaturants do not exceed 5 percent
10 of the volume of the ~~alcohol (including denaturants).~~ *ethanol.*

11 SEC. 17. Section 13442 of the Business and Professions Code
12 is amended to read:

13 13442. (a) It is unlawful for any person to sell, offer for sale,
14 or cause or permit to be sold or offered for sale, or deliver or offer
15 for delivery, any ~~petroleum~~ product as a fuel for internal
16 combustion engines at any place where ~~petroleum products~~ *motor*
17 *vehicle fuels* are kept or stored for sale, which does not conform
18 to the requirements of this article, unless and until there shall be
19 firmly attached to or painted upon each container, receptacle,
20 pump, and inlet end of the fill pipe of each underground storage
21 tank, from which or into which ~~such petroleum product~~ *the motor*
22 *vehicle fuel* is drawn or poured for sale or delivery, a sign or label,
23 plainly visible, comprising the brand, trademark, or trade name of
24 such fuel, or the words “no brand,” ~~which that~~ words shall be in
25 letters of gothic type with a stroke of not less than one-eighth inch
26 in width and not less than one inch in height, and also the words
27 “not gasoline” in red letters of gothic type with a stroke of not less
28 than one-half inch in width and not less than three inches in height,
29 on a white background and not less than twice the size of any other
30 letters or words appearing on or near the label or sign.

31 ~~The~~

32 (b) *The* provisions of this article, as to the words “not gasoline,”
33 shall not apply to signs or labels used in connection with the sale
34 or delivery of kerosene, jet or turbine fuel, diesel fuel, liquefied
35 petroleum gas, or motor fuel comprised of a mixture of gasoline
36 and lubricating oil properly labeled in accordance with the
37 provisions of Article 9 (commencing with Section 13480).

38 SEC. 18. The heading of Article 5.5 (commencing with Section
39 13446) of Chapter 14 of Division 5 of the Business and Professions
40 Code is amended to read:

Article 5.5. Standards for ~~Hydrogen~~ *Alternative Fuels*

SEC. 19. Section 13446 of the Business and Professions Code is repealed.

~~13446. On or before January 1, 2008, the department, with the concurrence of the State Air Resources Board, shall establish specifications for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles until a standards development organization accredited by the American National Standards Institute (ANSI) formally adopts standards for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles. The department shall then adopt by reference the latest standards established by the ANSI-accredited standards development organization for hydrogen fuel for use in internal combustion engines and fuel cells in motor vehicles, except that no specification or standard shall be less stringent than is required by state law.~~

SEC. 20. Section 13446 is added to the Business and Professions Code, to read:

13446. The department may establish interim specifications for alternative fuel for use in motor vehicles until a standards development organization accredited by the American National Standards Institute (ANSI) formally adopts a standard for the fuel for use in motor vehicles. The department shall then adopt, by reference, the latest standard established by the ANSI-accredited standards development organization for alternative fuel, except that no specification shall be less stringent than required by any California state law.

SEC. 21. The heading of Article 6 (commencing with Section 13450) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 6. Standards for ~~Diesel Fuel~~, *Compression-Ignition Engine Fuels*, Kerosene, and Fuel Oils

SEC. 22. Section 13450 of the Business and Professions Code is amended to read:

13450. The department shall establish specifications for compression-ignition engine fuel, kerosene, and fuel oil. The department shall adopt by reference the latest standards established

1 by a recognized consensus organization or standards writing
2 organization such as the ~~ASTM American Society of Testing and~~
3 ~~Materials (ASTM) International or the SAE Society of Automotive~~
4 ~~Engineers International~~, for compression-ignition engine fuels,
5 kerosene, and fuel oil, except that no specification shall be less
6 stringent than required by any California state law.

7 (a) Diesel fuel *oil* shall meet the specifications set forth in
8 ~~ASTM D-975, except that sulfur specifications shall not exceed~~
9 ~~the maximum specified by any California state law. International~~
10 ~~Standard Specification D975.~~

11 (b) Kerosene shall meet the specifications set forth in ASTM
12 ~~D-3699. International Standard Specification D3699.~~

13 (c) Fuel oil shall meet the specifications set forth in ASTM
14 ~~D-396, except that sulfur specifications shall not exceed the~~
15 ~~maximum specified by any California state law. International~~
16 ~~Standard Specification D396.~~

17 (d) Biodiesel blends shall meet the latest specifications set forth
18 in ASTM International Standard Specification D7467.

19 (e) Dimethyl ether used as a motor vehicle fuel shall meet the
20 latest specifications set forth in ASTM International Standard
21 Specification D7901.

22 SEC. 23. The heading of Article 8 (commencing with Section
23 13470) of Chapter 14 of Division 5 of the Business and Professions
24 Code is amended to read:

25
26 Article 8. Price Indications on ~~Petroleum~~ Motor Vehicle Fuel
27 Dispensing Apparatus
28

29 SEC. 24. Section 13470 of the Business and Professions Code
30 is amended to read:

31 13470. (a) A person shall not sell at retail to the general public,
32 any motor *vehicle* fuel from any place of business in this state
33 unless there is displayed on the dispensing apparatus in a
34 conspicuous place at least one sign or price indicator showing the
35 actual total price per ~~gallon or liter~~ *gallon, liter, or other unit of*
36 *measurement adopted pursuant to Section 12107 or 13404* of all
37 motor *vehicle* fuel sold therefrom. The actual total price per ~~gallon,~~
38 ~~or liter,~~ *gallon, liter, or other unit of measurement* shall include
39 *applicable* fuel taxes and all sales taxes.

1 (b) (1) A person shall not sell at retail to the general public,
2 any compressed natural gas for use as a motor *vehicle* fuel from
3 any place of business in this state unless there is displayed and
4 labeled on the dispensing apparatus in a conspicuous place
5 “Gasoline gallon equivalent.”

6 (2) A person shall not sell at retail to the general public, any
7 liquefied natural gas for use as a motor *vehicle* fuel from any place
8 of business in this state unless there is displayed and labeled on
9 the dispensing apparatus in a conspicuous place “Diesel gallon
10 equivalent.”

11 (c) When a discount ~~for cash~~ is offered from a dispenser
12 computing only at ~~the credit~~ *a higher* price, at least one sign or
13 label shall be conspicuously displayed on the dispenser indicating
14 that the dispenser is computing at ~~the credit~~ *higher* price and
15 indicating the amount of the discount ~~per gallon or liter~~ *gallon,*
16 *liter, or other unit of measurement* in letters and numerals not less
17 than one-half inch high.

18 (d) If motor *vehicle* fuel is sold by ~~the liter~~, the word “*liter*” *unit*
19 *of measurement other than gallon, that unit* shall be conspicuously
20 displayed on the side of the dispensing apparatus from which
21 service can be made.

22 SEC. 25. Section 13470.5 of the Business and Professions
23 Code is amended to read:

24 13470.5. Any person selling, offering for sale, or advertising
25 for sale, at retail to the general public, any gasoline or other motor
26 *vehicle* fuel from any place of business in this state by use of or
27 through or from any dispensing apparatus and displaying any sign
28 showing the actual total price per liter, shall, in addition, display
29 in a conspicuous fashion in full view of the retail purchaser and
30 in accordance with provisions of this chapter, a gallon-to-liter
31 conversion table showing quantity and price equivalents.

32 SEC. 26. Section 13471 of the Business and Professions Code
33 is amended to read:

34 13471. Each sign required by this article shall be placed in a
35 conspicuous place on the dispensing apparatus and if service of
36 ~~gasoline or other~~ motor *vehicle* fuel may be made from more than
37 one side of such dispensing apparatus the sign shall be so placed
38 as to be visible from at least two sides of the dispensing apparatus.

39 SEC. 27. Section 13472 of the Business and Professions Code
40 is amended to read:

1 13472. When a sign is used in addition to a price ~~indicator~~
2 ~~indicator~~, as defined in Section 13470, and if the same grade of
3 motor *vehicle* fuel is sold at a different price from any other
4 dispenser on the same premises, it shall be unlawful to display
5 ~~such the~~ sign on a dispenser unless a sign with price numerals of
6 equal size is displayed upon each dispenser from which the same
7 grade of motor *vehicle* fuel is dispensed at higher prices.

8 SEC. 28. Section 13477 of the Business and Professions Code
9 is amended to read:

10 13477. The provisions of this article do not apply to the sale
11 of motor *vehicle* fuel for aircraft through or from any portable
12 dispensing device.

13 SEC. 29. Section 13480 of the Business and Professions Code
14 is amended to read:

15 13480. (a) It is unlawful for any person to sell any ~~petroleum~~
16 ~~product~~ motor *vehicle* fuel or lubricant referred to in this chapter
17 at any place where ~~petroleum products~~ motor *vehicle* fuels or
18 lubricants are kept or stored for sale, unless there is affixed to each
19 container, receptacle, pump, dispenser, and inlet end of the fill
20 pipe of each underground storage tank, from which or into which
21 that product is drawn or poured out for sale or delivery, a sign or
22 label plainly visible consisting of the name of the product, the
23 brand, trademark, or trade name of the product, and, in the case
24 of ~~engine~~ motor *vehicle* fuel and kerosene, the grade or brand name
25 designation.

26 (b) When the product is ~~oil~~, a lubricant, as defined by Section
27 ~~13401~~, 13400, each sign or label shall also have in letters or
28 numerals, plainly visible, the viscosity grade classification as
29 determined in accordance with the SAE International latest standard
30 for engine oil viscosity classification SAE J300 or manual
31 transmission and axle lubricants viscosity classification SAE J306,
32 as applicable, and shall be preceded by the letters "SAE."

33 (c) When the product is automotive spark-ignition engine fuel,
34 except ~~M-85 and M-100 methanol fuel~~, there shall be
35 conspicuously displayed on the dispensing device at least one sign
36 or label showing the minimum octane number or antiknock index,
37 as defined in Section 13403, of the product sold therefrom. *the*
38 *secretary shall make rules and regulations as are reasonably*
39 *necessary to define and enforce the octane number or antiknock*
40 *index labeling requirements of the product sold.*

(d) When the product is a motor *vehicle* fuel consisting of a mixture or premixture of gasoline and oil or gasoline-oxygenate blend and motor oil, there shall be conspicuously displayed on the dispensing device at least one sign or label stating the ratio of gasoline to motor oil or gasoline-oxygenate blend to motor oil.

(e) All signs or labels required by this section for retail motor *vehicle* fuel dispensers and containers of more than one gallon capacity shall be in letters and numerals not less than one-half inch (12.70 mm) in height. On containers of one gallon or less, the signs or labels shall be in letters and numerals not less than one-fourth inch (6.35 mm) in height and one-sixteenth inch (1.59 mm) in width.

(f) The provisions of this section pertaining to octane numbers or antiknock index and motor oil SAE International viscosity number grade shall not apply to products sold for aviation purposes.

~~(g) This section shall apply, with respect to thinners or solvents, only to the sale, delivery, or offer for sale of the products through service stations, garages, and other retail outlets.~~

~~(g) This section does not apply to electricity sold as a motor vehicle fuel.~~

SEC. 30. Section 13481 of the Business and Professions Code is amended to read:

13481. If any ~~petroleum product~~ *motor vehicle fuel or lubricant* is offered for sale, but not under any brand, trademark, or ~~tradename~~, *trade name*, the words “no brand” shall be used as the brand, trademark, or ~~tradename~~ *trade name* designation. The words “No Brand” shall be in letters of gothic type with a stroke of not less than one-half inch in width, not less than three inches in height, and shall consist of red letters on a white background.

SEC. 31. Section 13482 of the Business and Professions Code is amended to read:

13482. (a) It is unlawful for any person to sell or distribute engine oil or axle and manual transmission lubricant unless ~~the SAE/API both of following are met:~~

(1) *The product conforms to SAE J183 “Engine Oil Performance and Engine Service Classification,” or the European Automobile Manufacturers’ Association (ACEA) “European Oil Sequences specification.”*

(2) *The SAE/API or ACEA service classification is conspicuously marked on each container.* ~~Each~~

1 (b) Whenever the motor oil does not meet an active API service
2 category as defined to be the latest version of SAE J183, each sign
3 or label shall bear a plainly visible cautionary statement in
4 compliance with SAE J183 Appendix A.

5 (c) Each container of engine oil with a volume of one gallon or
6 less shall bear a plainly visible statement indicating generally the
7 automobile model years or condition of service for which the
8 engine oil is suitable for gasoline engines as described in SAE
9 J183.

10 SEC. 32. Section 13485 of the Business and Professions Code
11 is amended to read:

12 13485. Small hand measures used for delivery of ~~petroleum~~
13 ~~products~~, *motor vehicle fuels or lubricants*, and filled in the
14 presence of the customer, need not be labeled in accordance with
15 this chapter if the receptacle, container, or pump from which
16 ~~petroleum products~~ *motor vehicle fuels or lubricants* are drawn or
17 poured into ~~such~~ *the* hand measures is properly labeled as required
18 by this chapter.

19 SEC. 33. Section 13486 of the Business and Professions Code
20 is amended to read:

21 13486. (a) It is unlawful, at any place of business where
22 ~~petroleum products~~ *motor vehicle fuels or lubricants* are sold, for
23 any person to do either of the following:

24 (1) Deliver into a storage tank or container any ~~petroleum~~
25 ~~product~~ *motor vehicle fuel or lubricant* other than the product
26 identified on the label attached to the storage tank or container.

27 (2) Sell by means of, or through, a pump or other device, any
28 ~~petroleum product~~ *motor vehicle fuel or lubricant* other than the
29 product identified on the required label, tag, or sign attached to
30 the pump or other device.

31 (b) This section does not prohibit the delivery of motor *vehicle*
32 fuel into a storage tank labeled with the authorized rebrand as
33 provided in Article 14 (commencing with Section 13560).

34 SEC. 34. Section 13500 of the Business and Professions Code
35 is amended to read:

36 13500. ~~(a)~~ It is unlawful for any person to transport in any
37 tank vehicle, for the purpose of sale or for delivery to any place
38 where ~~petroleum products~~ *motor vehicle fuels or lubricants* are
39 stored for sale, any ~~petroleum~~ product referred to in this chapter
40 unless there is firmly affixed at each outlet or valve of the tank

1 vehicle, a metal tag, plate, or label. The tag, plate, or label shall
2 display, in letters not less than one-half inch in height, the name
3 and grade of the product in the tank compartment of the tank
4 vehicle. In the case of motor oil, the Society of Automotive
5 Engineers *International* (SAE) viscosity number shall also be
6 displayed on the tag, plate, or label.

7 ~~(b) If the product is gasoline intended to be sold as unleaded~~
8 ~~gasoline, the grade designation shall contain a designation of~~
9 ~~unleaded.~~

10 SEC. 35. Section 13501 of the Business and Professions Code
11 is amended to read:

12 13501. It is unlawful for any person, when delivering for the
13 purpose of sale, or delivering to any place where ~~petroleum~~
14 products *referred to in this chapter* are kept for sale, to commingle
15 any product with another product or to commingle grades of a
16 product, if as a result of the commingling the product delivered
17 does not meet the specifications adopted or established by the
18 department.

19 SEC. 36. Section 13502 of the Business and Professions Code
20 is amended to read:

21 13502. It is unlawful for any person to deliver into a storage
22 tank or container at any place where ~~petroleum~~ products *referred*
23 *to in this chapter* are stored for sale, any product other than the
24 product identified on the label attached to the storage tank or
25 container.

26 SEC. 37. Section 13530 of the Business and Professions Code
27 is amended to read:

28 13530. (a) Nothing in this article applies to price indicators
29 and signs referred to in Article 8 (commencing with Section
30 13470). However, any numerals designating the price per ~~gallon~~
31 ~~or liter~~ *gallon, liter, or other unit of measurement adopted pursuant*
32 *to Section 12107 or 13404* for a particular brand and grade of
33 motor *vehicle* fuel permitted or required under Article 8
34 (commencing with Section 13470) shall, unless otherwise stated,
35 be identical in numerical value with the price per ~~gallon or liter~~
36 *gallon, liter, or other unit of measurement* for the same brand and
37 grade of motor *vehicle* fuel permitted or required under this article.

38 (b) Nothing in this chapter requires that the cash or merchandise
39 value of trading stamps be stated on any advertising media ~~which~~

1 *that* either advertises the stamps or advertises the price of motor
2 *vehicle* fuel.

3 (c) Unless otherwise prohibited, any person selling motor *vehicle*
4 fuel by the liter shall be authorized to advertise its price by
5 displaying on the advertising medium either the price per liter or
6 the price per gallon.

7 SEC. 38. Section 13531 of the Business and Professions Code
8 is amended to read:

9 13531. (a) Every person offering for sale or selling any motor
10 vehicle fuel to the public from any place of business shall display
11 on the premises an advertising medium ~~which~~ *that* complies with
12 the requirements of this article and ~~which~~ *that* advertises the prices
13 of the three major grades of motor vehicle fuel offered for sale.
14 The advertising medium shall be clearly visible from the street or
15 highway adjacent to the premises. When the place of business is
16 situated at an intersection, the advertising medium shall be clearly
17 visible from each street of the intersection. For ~~the~~ purposes of
18 this subdivision, motor vehicle fuel does not include ~~propane~~.
19 *propane or electricity*.

20 (b) The governing body of any city, county, or city and county
21 may, by ordinance, exempt specified geographic areas from the
22 provisions of this section if, pursuant to Article 5 (commencing
23 with Section 65300) of Chapter 3 of Title 7 of the Government
24 Code, the areas are designated on the local general plan as scenic
25 corridors or historic preservation areas.

26 (c) (1) Except as provided in paragraph (2), any person who
27 violates the provisions of subdivision (a) is guilty of an infraction
28 and, upon conviction, is punishable by a fine not to exceed five
29 hundred dollars (\$500).

30 (2) Any person who violates the provisions of subdivision (a)
31 and who has been previously convicted two or more times of a
32 violation of subdivision (a) is guilty of a misdemeanor and, upon
33 conviction, is punishable by imprisonment in the county jail not
34 exceeding six months, by a fine not exceeding one thousand dollars
35 (\$1,000), or by both.

36 (d) Notwithstanding Section 13590, the district attorney of each
37 county, or pursuant to Section 41803.5 of the Government Code,
38 the city attorney of any general law city or chartered city within
39 each county, or the county sealer, shall, upon complaint or upon
40 his or her own motion, enforce the provisions of this section and,

1 in addition, may bring an action for injunctive relief in accordance
2 with Section 13611.

3 SEC. 39. Section 13532 of the Business and Professions Code
4 is amended to read:

5 13532. (a) It is unlawful for any person to display any
6 advertising medium ~~which~~ *that* indicates the price of motor *vehicle*
7 fuel unless the advertising medium displays all of the following:

8 (1) The price per ~~gallon or liter~~, *gallon, liter, or other unit of*
9 *measurement adopted pursuant to Section 12107 or 13404*,
10 including all taxes, in numerals, and fractions when applicable,
11 not less than six inches in height and of uniform size and color.
12 For the purpose of this article, fractions are considered one
13 numeral. *For purposes of this section, electricity sold as a motor*
14 *vehicle fuel shall meet only the requirements adopted pursuant to*
15 *Section 13404.*

16 (2) The trademark or brand of the motor *vehicle* fuel in letters,
17 figures, or numerals not less than one-third the size of the numerals
18 designating the price.

19 (3) The word “gasoline” or the name of other motor *vehicle* fuel
20 in letters not less than one-third the size of the numerals designating
21 the price, but these words need not be more than four inches in
22 height.

23 (4) The grade designation of the motor *vehicle* fuel in letters or
24 numerals not less than one-sixth the size of the numerals
25 designating the price, but this designation need not be more than
26 four inches in height.

27 (5) If motor *vehicle* fuel prices are advertised by the ~~liter~~, ~~the~~
28 ~~word “liter”~~ *unit of measurement other than gallon, the unit* shall
29 be displayed on the advertising medium in letters not less than
30 one-third the size of the numerals designating the price.

31 (b) (1) It is unlawful for any person to display an advertising
32 medium ~~which~~ *that* advertises a discount or price reduction for
33 motor *vehicle* fuel, unless the advertising medium contains all the
34 following:

35 (A) The price per ~~gallon or liter~~ *gallon, liter, or other unit of*
36 *measurement adopted pursuant to Section 12107 or 13404* from
37 which the discount or price reduction is to be taken.

38 (B) The amount of the discount or price reduction in cents per
39 ~~gallon or liter~~ *gallon, liter, or other unit of measurement* using

1 numerals ~~which~~ *that* do not exceed the height of the numerals in
2 the advertised price.

3 (C) The conditions of the discount or price reduction using
4 words whose letters are not less than one-third the size of the price
5 numerals.

6 (2) Any limitations under which the discount or price reduction
7 is offered shall be explained in words whose letters are not less
8 than one-third the size of the numerals indicating the prices.

9 (3) There shall be available for each customer's reference, a
10 chart showing the amount of discount for each type unit being sold
11 (~~gallon/liter~~) or fraction thereof in one cent (\$0.01) increments, or
12 the retail dispensers used to dispense fuel at the discount price
13 shall be set to compute the total sale at the discounted price per
14 gallon or liter and shall be clearly labeled "Includes Cash Discount"
15 in letters not less than one inch in height.

16 (4) For purposes of this subdivision, the motor *vehicle* fuel shall
17 be sold in the same unit of measure (~~e.g., gallons or liters~~) in which
18 the discount and the price from which the discount is taken are
19 advertised.

20 (c) In the event that the same grade of motor *vehicle* fuel is sold
21 at different prices from any single place of business, it is unlawful
22 for any person to display any advertising medium ~~which~~ *that*
23 advertises a price of a grade of motor *vehicle* fuel unless the
24 advertising medium advertises in numerals of equal size each of
25 the higher prices, including all taxes for which the grade is sold
26 or offered for sale, and unless the advertising medium explains
27 the conditions, and any limitations, under which that grade is sold
28 or offered for sale at different prices. The words of explanation
29 shall be clearly shown in letters at least one-third the size of the
30 numerals indicating the prices. The different prices at which the
31 same grade of motor *vehicle* fuel is sold or offered for sale shall
32 be advertised in the same unit of measure (~~either price per gallon~~
33 ~~or price per liter~~) as permitted or required by law.

34 (d) Nothing in this section prohibits any person who has posted
35 or displayed a sign or advertising medium in compliance with this
36 chapter from displaying additional signs or advertising media
37 ~~which~~ *that* state either (1) the amount of discount in cents per
38 ~~gallon or liter~~, *gallon, liter, or other unit of measurement adopted*
39 *pursuant to Section 12107 or 13404*, or (2) the price of one or
40 more brands or grades of motor *vehicle* fuel sold or offered for

1 sale, provided the conditions and any limitations of the discount
2 or price of the brand or grade of motor *vehicle* fuel are included
3 in the additional advertising media in letters not less than one-third
4 the size of the numerals indicating the discount or price.

5 SEC. 40. Section 13535 of the Business and Professions Code
6 is amended to read:

7 13535. If any motor *vehicle* fuel or ~~motor oil~~ *lubricant* is
8 advertised for sale, but not under any brand designation, the words
9 “no brand” shall be used on the advertising medium as a brand
10 designation.

11 SEC. 41. The heading of Article 13 (commencing with Section
12 13550) of Chapter 14 of Division 5 of the Business and Professions
13 Code is amended to read:

14
15 Article 13. Inducements for the Sale of ~~Gasoline or Motor~~
16 *Vehicle Fuel*
17

18 SEC. 42. Section 13550 of the Business and Professions Code
19 is amended to read:

20 13550. No ~~petroleum corporation~~ *motor vehicle fuel producer*
21 or distributor shall compel or unduly or unreasonably influence
22 any retail ~~gasoline~~ dealer to participate in the giveaway or offer
23 to give away free of charge any item of value, including trading
24 stamps or any kind of merchandise or goods, whether or not ~~such~~
25 *the* giveaway is conditional upon the purchase of ~~gasoline, motor~~
26 ~~fuel, or petroleum products.~~ *vehicle fuels or lubricants.* The
27 decision to participate in ~~such~~ *those* giveaways shall be solely that
28 of the retail ~~gasoline~~ dealer. Nothing in this section shall prohibit
29 a retail ~~gasoline~~ dealer from entering into an agreement to
30 participate in any ~~such~~ giveaway program.

31 SEC. 43. Section 13570 of the Business and Professions Code
32 is amended to read:

33 13570. (a) A manufacturer, blender, agent, jobber, consignment
34 agent, or distributor who distributes motor *vehicle* fuel ~~products~~
35 that contain at least 1 percent alcohol by volume, shall state on an
36 invoice, bill of lading, shipping paper, or other documentation
37 used in normal and customary business practices, the percentage
38 of alcohol, the type of alcohol, and, except in documentation
39 certifying the octane rating of gasoline as required by federal law,

1 the minimum antiknock index number, as defined in Section 13403,
2 of the products distributed.

3 (b) If a motor vehicle fuel product contains less than 10 percent
4 ~~alcohol~~, *ethanol*, a statement in the documentation that the product
5 “contains up to 10% ethanol” meets the requirement of subdivision
6 (a) that it state the percentage of alcohol.

7 (c) This section, as it relates to certification of the minimum
8 antiknock index number, applies to all motor vehicle gasoline
9 distributed.

10 SEC. 44. Section 13590 of the Business and Professions Code
11 is amended to read:

12 13590. It is the duty of the department acting through the
13 Division of Measurement Standards to enforce the provisions of
14 this chapter, and to appoint and employ ~~such~~ inspectors as may be
15 ~~necessary therefor~~. *necessary*.

16 SEC. 45. Section 13591 of the Business and Professions Code
17 is amended to read:

18 13591. (a) The department, its inspectors, and each sealer, are
19 hereby authorized and empowered to inspect the ~~petroleum~~
20 ~~products~~ *motor vehicle fuels or lubricants* referred to in this chapter
21 and to enter, for the purpose of ~~such~~ *the* inspection, any place
22 where ~~petroleum products~~ *motor vehicle fuels or lubricants* are
23 kept or stored for sale.

24 ~~All such~~

25 (b) ~~All those~~ officers shall enforce the provisions of this chapter.

26 SEC. 46. Section 13592 of the Business and Professions Code
27 is amended to read:

28 13592. The department, each sealer, and any person now or
29 hereafter authorized or empowered by law to inspect the ~~petroleum~~
30 ~~products~~ *motor vehicle fuels or lubricants* referred to in this
31 chapter, may take such sample or samples as may be necessary of
32 any ~~petroleum or petroleum product~~ *motor vehicle fuel or lubricant*
33 kept or stored for the purpose of sale.

34 SEC. 47. Section 13595 of the Business and Professions Code
35 is amended to read:

36 13595. (a) It is unlawful for any person to sell or deliver any
37 ~~petroleum product~~ *motor vehicle fuel or lubricant* referred to in
38 this chapter ~~which~~ *that* fails to meet the specifications required by
39 this chapter.

1 (b) It is unlawful for any person to sell or deliver any ~~petroleum~~
2 ~~product~~ *motor vehicle fuel or lubricant* referred to in this chapter
3 into, from, or through an unlabeled or mislabeled container or
4 device.

5 (c) (1) The department, each county sealer, deputy county
6 sealer, and inspector may close and seal outlets and inlets of any
7 receptacles, containers, pumps, dispensers, or storage tanks
8 connected to the outlets and inlets, containing any ~~petroleum~~
9 ~~product~~ *motor vehicle fuel or lubricant* referred to in this chapter
10 ~~which~~ *that* fails to meet the requirements of this chapter.

11 The
12 (2) *The* person so sealing shall post in a conspicuous place on
13 the premises, where a receptacle, container, pump, dispenser, or
14 storage tank connected to the outlets and inlets has been sealed, a
15 notice stating that the action of sealing has been taken in
16 accordance with this chapter, and giving warning that it is unlawful
17 to break, mutilate, or destroy the seal or seals of the outlets and
18 inlets, to move the container, or to remove the contents from the
19 container, under the penalty provided in this division.

20 (d) If a container or lot of containers of any commodity subject
21 to this chapter is found to contain a commodity not in conformity
22 with this chapter, the ~~director~~ *secretary* or sealer representing the
23 ~~director~~ *secretary* may take a sample or samples reasonably
24 necessary for enforcement purposes and may in writing order the
25 containers off sale. Any lot or container ordered off sale pursuant
26 to this section shall be subject to a disposal order by the enforcing
27 officer and shall not be sold, offered for sale, or transported, except
28 in accordance with that disposal order. Any action pursuant to this
29 section shall not affect any rights of a retailer under a warranty of
30 merchantability or warranty of fitness.

31 SEC. 48. Section 13600 of the Business and Professions Code
32 is amended to read:

33 13600. It is unlawful for any person, or any member, officer,
34 agent, or employee of a firm, association, or corporation, other
35 than the department or any of the officers mentioned in this article,
36 to break, mutilate, or destroy any seal or seals placed upon a
37 container, receptacle, pump, or storage tank connected thereto, or
38 any other storage tank containing a ~~petroleum product~~, *motor*
39 *vehicle fuel or lubricant*, when placed thereon as provided by this
40 article, or to move a container so sealed, or remove the contents

therefrom, or to cover, deface, or remove the notice of sealing required by this article.

SEC. 49. Section 13700 of the Business and Professions Code is amended to read:

13700. *For purposes of this chapter, the following terms mean the following:*

(a) “Automotive product” means engine coolant or antifreeze, prediluted engine coolant or prediluted antifreeze, brake fluid, and automatic transmission fluid.

(b) “Automatic transmission fluid” means a product intended for use in a passenger vehicle, other than a bus, as either a lubricant, coolant, or liquid medium in any type of fluid automatic transmission, or any other type of unit through which, or by which, force, energy, or power is transferred from a motor vehicle engine by hydraulic means to the driving assembly.

(c) “Brake fluid” means the fluid intended for use as the liquid medium through which force is transmitted in the hydraulic brake system of a vehicle operated upon the highways.

(d) “Carton” means the package or wrapping in which a number of containers are shipped or stored.

(e) “Container” means any receptacle in which a commodity is immediately contained when sold, but does not mean a carton or wrapping in which a number of receptacles are shipped or stored, or a tank car or truck.

(f) *“Diesel exhaust fluid” or “DEF” means an aqueous urea solution used in selective catalytic reduction to lower oxides of nitrogen concentration in the exhaust emissions of diesel engines that meets the last version of International Organization for Standardization (ISO) specification for DEF.*

~~(f)~~

(g) “Engine coolant” or “antifreeze” means any substance or preparation, regardless of its origin, intended to be diluted before use as the cooling medium in the cooling system of an internal combustion engine to provide protection against freezing, overheating, and corrosion of the cooling system, or any product intended to be diluted before use ~~which~~ *that* is labeled to indicate or imply that it will prevent freezing or overheating of the cooling system of an internal combustion engine.

~~(g)~~

1 (h) “Label” means all written, printed, or graphic
2 representations, in any form whatsoever, imprinted upon or affixed
3 to any container or accompanying any product referred to in this
4 chapter.

5 ~~(h)~~

6 (i) “Prediluted engine coolant” or “prediluted antifreeze” means
7 any substance or preparation, regardless of its origin, intended or
8 labeled for use full strength as the cooling medium or as a top off
9 in the cooling system of an internal combustion engine to provide
10 or supplement protection against freezing, overheating, or corrosion
11 of the cooling system.

12 ~~(i)~~

13 (j) “Principal display panel” means that part of the label that is
14 designed to most likely be displayed, presented, shown, or
15 examined under normal and customary conditions of display and
16 purchase.

17 SEC. 50. Section 13710 of the Business and Professions Code
18 is amended to read:

19 13710. (a) (1) The department shall establish specifications
20 for engine ~~coolants and~~ *coolants*, antifreeze, ~~and~~ prediluted engine
21 ~~coolants~~ *coolants*, and prediluted antifreeze that promote the public
22 safety in the operation of motor vehicles.

23 ~~(2) In addition to paragraph (1), if the ASTM International~~
24 ~~adopts standards for recycled engine coolants and antifreeze, the~~
25 ~~department, on or before January 1, 2002, shall establish~~
26 ~~specifications for recycled engine coolants and antifreeze, and~~
27 ~~recycled prediluted engine coolants and antifreeze that promote~~
28 ~~the public safety in the operation of motor vehicles.~~

29 ~~(3)~~

30 (2) The chemical, physical, and performance specifications for
31 engine coolants and antifreeze and prediluted engine coolants and
32 prediluted antifreeze under ~~paragraphs~~ *paragraph* (1) ~~and (2)~~ shall
33 not fall below the minimum specifications, if any, established by
34 the ASTM International. Engine coolant and antifreeze shall not
35 contain, after dilution with 30 percent water and subsequent
36 mixing, visually identifiable suspended matter or sediment.
37 Prediluted engine coolant and prediluted antifreeze shall not
38 contain, after mixing, visually identifiable suspended matter or
39 sediment.

40 ~~(4)~~

(3) For purposes of this subdivision, the department shall adopt ~~the ASTM International testing procedures and shall specify a virgin reference coolant that it finds is recognized as standard in the industry.~~ Alcohol-based procedures. Methanol- and ethanol-based coolants and antifreeze, excluding glycols, antifreeze are not suitable for use in automotive engines and shall not be sold or distributed for automotive use.

(b) Any automatic transmission fluid sold without limitation as to type of transmission for which it is intended, shall meet all automotive manufacturers' recommended requirements for transmissions in general use in the state. Automatic transmission fluids that are intended for use only in certain transmissions, as disclosed on the label of its container, shall meet the latest automotive manufacturers' recommended requirements for those transmissions.

(c) The department shall establish specifications for brake fluid that promote the public safety in the operation of automotive vehicles. The specifications for brake fluid shall not fall below the minimum specifications established by the National Highway Traffic Safety Administration of the United States Department of Transportation.

(d) Any manufacturer or packager of any product regulated by this chapter and sold in the state shall provide, upon request to duly authorized representatives of the department, documentation of any claim made upon their products' label.

SEC. 51. Section 13711 of the Business and Professions Code is amended to read:

13711. (a) An engine coolant or antifreeze is mislabeled if any of the following occurs:

(1) The container does not bear a label on which is printed the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.

(2) The container does not bear a chart on the label showing appropriate amounts of engine coolant or antifreeze and water in terms of liquid measure to be used to provide protection from freezing at temperatures to at least 30 degrees below zero Fahrenheit.

1 (3) The container does not bear a statement on the label showing
2 the boiling point of a 50 percent by volume mixture of engine
3 coolant or antifreeze and water in degrees Fahrenheit.

4 (4) The container is one quart or less and does not bear a label
5 on which is printed the words “engine coolant” or “antifreeze” in
6 letters at least $\frac{1}{8}$ inch high on the principal display panel. The
7 container is greater than one quart and does not bear a label on
8 which is printed the words “engine coolant” or “antifreeze” in
9 letters at least $\frac{1}{4}$ inch high on the principal display panel.

10 (5) The principal ingredient is propylene glycol *or glycerin* and
11 the container does not bear a statement on the label not to use an
12 ethylene glycol hydrometer concentration tester for propylene
13 glycol *or glycerin* coolants.

14 (6) The container and carton do not bear a lot or batch number
15 on the label identifying the container lot and date of packaging.

16 (b) A prediluted engine coolant or prediluted antifreeze is
17 mislabeled if any of the following occurs:

18 (1) The container does not bear a label on which is printed the
19 brand name, principal ingredient, intended application of the
20 coolant or antifreeze, name and place of business of the
21 manufacturer, packer, seller, or distributor, and an accurate
22 statement of the quantity of the contents in terms of liquid measure.

23 (2) The container does not bear a statement on the label showing
24 the protection from freezing in degrees Fahrenheit.

25 (3) The container does not bear a statement on the label showing
26 the boiling point in degrees Fahrenheit.

27 (4) The container is one quart or less and does not bear a label
28 on which is printed the words “prediluted engine coolant” or
29 “prediluted antifreeze” in letters at least $\frac{1}{8}$ inch high on the
30 principal display panel. The container is greater than one quart
31 and does not bear a label on which is printed the words “prediluted
32 engine coolant” or “prediluted antifreeze” in letters at least $\frac{1}{4}$ inch
33 high on the principal display panel.

34 (5) The container is one quart or less and does not bear a label
35 on which is printed the words “DO NOT ADD WATER” in letters
36 at least $\frac{1}{8}$ inch high. The container is greater than one quart and
37 does not bear a label on which is printed the words “DO NOT
38 ADD WATER” in letters at least $\frac{1}{4}$ inch high.

39 (6) The principal ingredient is propylene glycol *or glycerin* and
40 the container does not bear a statement on the label not to use an

1 ethylene glycol hydrometer concentration tester for propylene
2 glycol *or glycerin* coolants.

3 (7) The container and carton do not bear a lot or batch number
4 on the label identifying the container lot and date of packaging.

5 (c) Automatic transmission fluid ~~shall be deemed to be~~ *is*
6 mislabeled if any of the following occurs:

7 (1) The container does not bear a label on which is printed the
8 brand name, the name and place of business of the manufacturer,
9 packer, seller, or distributor, the words “Automatic Transmission
10 Fluid,” and the duty type classification.

11 (2) The container does not bear a label on which is printed an
12 accurate statement of the quantity of the contents in terms of liquid
13 measure.

14 (3) The labeling on the container is false or misleading.

15 (4) *The container and carton do not bear a lot or batch number*
16 *on the label identifying the container lot or batch.*

17 (d) Brake fluid is mislabeled if any of the following occurs:

18 (1) The container does not bear a label ~~which~~ *that* conforms to
19 the requirements of the National Highway Traffic Safety
20 Administration, United States Department of Transportation, and
21 upon which is printed the brand name.

22 (2) The container does not bear an accurate statement on the
23 label of the quantity of the contents in terms of liquid measure.

24 (3) The labeling on the container is false or misleading.

25 (e) *The secretary shall establish the method of sale of diesel*
26 *exhaust fluid sold at retail to the public. In doing so, the secretary*
27 *shall adopt, by reference, the latest method of sale for diesel*
28 *exhaust fluid adopted by the National Conference on Weights and*
29 *Measures and published in the National Institute of Standards and*
30 *Technology Handbook 130 “Uniform Laws and Regulations in*
31 *the Areas of Legal Metrology and Engine Fuel Quality,” except*
32 *as specifically modified, amended, or rejected by regulation*
33 *adopted by the secretary.*

34 (f) *If a container or lot of containers of any commodity subject*
35 *to this chapter is found to contain a commodity not in conformity*
36 *with this chapter, the sealer may take one or more samples*
37 *reasonably necessary for enforcement purposes and may, in*
38 *writing, order the containers off sale. Any lot or container ordered*
39 *off sale pursuant to this section shall be subject to a disposal order*
40 *by the enforcing officer and shall not be sold, offered for sale, or*

1 *transported, except in accordance with that disposal order. Any*
2 *action pursuant to this section shall not affect any rights of a*
3 *retailer under a warranty of merchantability or warranty of fitness.*

4 SEC. 52. Section 13741 of the Business and Professions Code
5 is amended to read:

6 13741. (a) It is unlawful for any person or other legal entity
7 to make any deceptive, false, or misleading statement by any means
8 whatever regarding quality, quantity, performance, price, discount,
9 or saving in the sale or selling of any commodity regulated pursuant
10 to this chapter.

11 (b) *Any manufacturer or packager of any product subject to*
12 *this chapter and sold in this state shall provide, upon request, to*
13 *a duly authorized representative of the department documentation*
14 *of any claim made on his or her product's label.*

15 SEC. 53. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.